

**PATENT**

Applicant: Fitzhugh et al.  
Serial No.: 09/865,242  
Filed: May 25, 2001  
Title: NITRIC OXIDE-RELEASING  
METALLIC MEDICAL

Examiner: B. Fubara  
Group Art Unit: 1615  
Docket No.: 17363-38

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****CERTIFICATE OF FACSIMILE TRANSMISSION****FAX RECEIVED****MAR 24 2003****PETITIONS OFFICE**

Commissioner for Patents  
Washington, D.C. 20231

I hereby certify that the following papers are being facsimile transmitted to the U.S. Patent and Trademark Office [facsimile number (703) 308-6916] on the date shown below.

1. Certificate of Facsimile Transmission (1 pg);
2. Request for Continued Examination (RCE) Transmittal (1 pg);
3. Transmittal of Information Disclosure Statement (2 pgs);
4. Information Disclosure Statement by Applicant (Form 1449) (1 pg);
5. Petition For Withdrawal From Issue – Issue Fee Paid (2 pgs);

March 24, 2003



Allie Barrett  
Assistant to Louis C. Cullman, Esq.

**OPPENHEIMER WOLFF & DONNELLY LLP**  
840 Newport Center Drive, Suite 700  
Newport Beach, CA 92660  
Telephone: 949.823.6000  
Facsimile: 949.823.6100

*Customer No.: 25,204*

## CERTIFICATE OF FACSIMILE

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Allie Barrett

Applicant: Fitzhugh et al.  
Serial N.: 09/865242  
Filed: May 25, 2001  
Title: NITRIC OXIDE-RELEASING METALLIC MEDICAL DEVICES  
Examiner: B. Fubara  
Group Art Unit: 1615  
Atty Docket No.: 17363.38

PATENT

#12

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Commissioner of Patents  
Box RCE  
Washington, D.C. 20231

Sir:

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## 1. SUBMISSION REQUIRED UNDER 37 CFR § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on \_\_\_\_\_
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declarations(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_ Month Extension of Time

## 2. MISCELLANEOUS

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR § 1.17(i) required.)
- b. ☐ Other \_\_\_\_\_

## 3. FEES

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1901
- i. ☒ RCE fee required under 37 CFR § 1.17(e)
- ii. ☐ Extension of time fee (37 CFR §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \_\_\_\_\_ \$ enclosed.
- ☐ Applicant claims small entity status. See 37 CFR §1.27
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

Date:

3/24/03

Respectfully submitted,



Louis C. Cullman  
Registration No. 39,645

OPPENHEIMER WOLFF & DONNELLY LLP  
840 Newport Center Drive, Suite 700  
Newport Beach, CA 92660  
Telephone: 949.823.6000  
Facsimile: 949.823.6100

03/25/2003 AKELLEY 00000020 501901 09865242

02 FC:1801 750.00 CH

OC: 162804 v01 03/24/2003

## CERTIFICATE OF FACSIMILE

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Allie Barrett

Applicant: **Fitzhugh et al.**Serial No.: **09/865242**Filed: **May 25, 2001**Title: **NITRIC OXIDE-RELEASING  
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PATENT

#13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PETITION FOR WITHDRAWAL FROM ISSUE – ISSUE FEE PAID

37 CFR § 1.313(c)(2)

ATTN: Mrs. Francis Hicks  
Office of Petitions  
2201 South Clark Place  
Crystal Plaza 4, Suite 3C23  
Arlington, VA 22202

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PETITIONS OFFICE

Madam:

Applicant hereby petitions for the withdrawal of this application from issue.

The issue fee for this case was been paid on February 14, 2003. No issue notification has been received.

The reason for the request for withdrawal from issue is for abandonment to permit consideration of an Information Disclosure Statement ("IDS") under § 1.97 in a Request for Continued Examination ("RCE") application under 37 C.F.R. § 1.114. The RCE and IDS are being filed concurrently herewith.

The Commissioner is authorized to charge the petition fee (37 CFR 1.17(i) of \$130 to Deposit Account No. 50-1901. The Commissioner is authorized to charge and additional fees or credit any overpayments to Deposit Account No. 50-1901.

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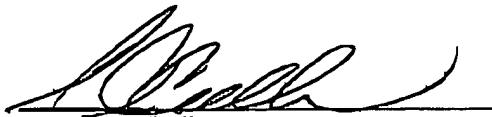
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The Patent Office is invited to contact the undersigned with any questions or concerns.

Respectfully submitted,

Date:

3/24/03

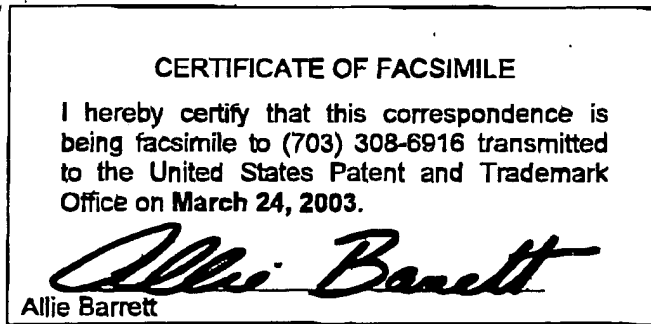


Louis C. Cullman

Registration No. 39,645

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Newport Beach, CA 92660  
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#41



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Serial No.: **09/865242**  
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Atty Docket No.: **17363.38**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**

**FAX RECEIVED**

Commissioner for Patents  
Washington, D.C. 20231

MAR 24 2003

PETITIONS OFFICE

Sir:

In accordance with 37 C.F.R. § 1.56, the Applicant submits herewith patents, publications, or other information of which they are aware that may be considered in connection with the above-referenced patent application. The Applicant asserts that the Ulibarri et al. reference is not material and neither anticipates, nor renders obvious the presently claimed invention. However, acting in abundance of caution, and to be certain that all references are before the Examiner, the Applicant respectfully submits the attached form 1449. Moreover, submission of this Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein is "material" to Applicant's invention as that term is currently defined in 37 C.F.R. § 1.56 (37 CFR § 1.97(h)).

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no relevant information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

A Patent and Trademark Office Form 1449 listing each of these informational items is enclosed along with a copy of each item.

Pursuant to 37 C.F.R. § 1.97(b)(4), this Information Disclosure Statement is being filed concurrently with a Request for Continued Examination under 37 C.F.R. §

Pursuant to 37 C.F.R. § 1.97(b)(4), this Information Disclosure Statement is being filed concurrently with a Request for Continued Examination under 37 C.F.R. § 1.114, and therefore is before the mailing of any Office Action after filing the RCE. No fee is believed due. The Patent Office is permitted to charge any required fees to Deposit Account No. 50-1901.

Respectfully submitted,

Date:

3/24/03

  
Louis C. Cullman

Registration No. 39,645

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Telephone: (949) 823-6000  
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